



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4859

Introduced 1/15/2010, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1

Amends the Illinois Vehicle Code to provide that in certain undue hardship cases where a person's driving privileges have been suspended or revoked, the Secretary of State may issue a restricted driving permit to allow a person to transport children, elderly persons, or disabled persons who do not hold driving privileges and are living in the person's household (rather than just children living in the person's household) to and from daycare. Amends the Unified Code of Corrections. Provides that during a sentencing hearing, the court must make a finding of whether a motor vehicle was used in the commission of the offense for which the defendant is being sentenced. Provides that in cases in which the court finds that a motor vehicle was used in the commission of the offense, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State.

LRB096 16577 AJT 32175 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-205 and 6-206 as follows:

6 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of
10 State shall immediately revoke the license, permit, or driving
11 privileges of any driver upon receiving a report of the
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds, or any
20 combination thereof;

21 3. Any felony under the laws of any State or the
22 federal government in the commission of which a motor
23 vehicle was used;

1 4. Violation of Section 11-401 of this Code relating to
2 the offense of leaving the scene of a traffic accident
3 involving death or personal injury;

4 5. Perjury or the making of a false affidavit or
5 statement under oath to the Secretary of State under this
6 Code or under any other law relating to the ownership or
7 operation of motor vehicles;

8 6. Conviction upon 3 charges of violation of Section
9 11-503 of this Code relating to the offense of reckless
10 driving committed within a period of 12 months;

11 7. Conviction of any offense defined in Section 4-102
12 of this Code;

13 8. Violation of Section 11-504 of this Code relating to
14 the offense of drag racing;

15 9. Violation of Chapters 8 and 9 of this Code;

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 arising from the use of a motor vehicle;

18 11. Violation of Section 11-204.1 of this Code relating
19 to aggravated fleeing or attempting to elude a peace
20 officer;

21 12. Violation of paragraph (1) of subsection (b) of
22 Section 6-507, or a similar law of any other state,
23 relating to the unlawful operation of a commercial motor
24 vehicle;

25 13. Violation of paragraph (a) of Section 11-502 of
26 this Code or a similar provision of a local ordinance if

1 the driver has been previously convicted of a violation of
2 that Section or a similar provision of a local ordinance
3 and the driver was less than 21 years of age at the time of
4 the offense;

5 14. Violation of paragraph (a) of Section 11-506 of
6 this Code or a similar provision of a local ordinance
7 relating to the offense of street racing;

8 15. A second or subsequent conviction of driving while
9 the person's driver's license, permit or privileges was
10 revoked for reckless homicide or a similar out-of-state
11 offense.

12 (b) The Secretary of State shall also immediately revoke
13 the license or permit of any driver in the following
14 situations:

15 1. Of any minor upon receiving the notice provided for
16 in Section 5-901 of the Juvenile Court Act of 1987 that the
17 minor has been adjudicated under that Act as having
18 committed an offense relating to motor vehicles prescribed
19 in Section 4-103 of this Code;

20 2. Of any person when any other law of this State
21 requires either the revocation or suspension of a license
22 or permit;

23 3. Of any person adjudicated under the Juvenile Court
24 Act of 1987 based on an offense determined to have been
25 committed in furtherance of the criminal activities of an
26 organized gang as provided in Section 5-710 of that Act,

1 and that involved the operation or use of a motor vehicle
2 or the use of a driver's license or permit. The revocation
3 shall remain in effect for the period determined by the
4 court. Upon the direction of the court, the Secretary shall
5 issue the person a judicial driving permit, also known as a
6 JDP. The JDP shall be subject to the same terms as a JDP
7 issued under Section 6-206.1, except that the court may
8 direct that a JDP issued under this subdivision (b)(3) be
9 effective immediately.

10 (c)(1) Except as provided in subsection (c-5), whenever a
11 person is convicted of any of the offenses enumerated in this
12 Section, the court may recommend and the Secretary of State in
13 his discretion, without regard to whether the recommendation is
14 made by the court may, upon application, issue to the person a
15 restricted driving permit granting the privilege of driving a
16 motor vehicle between the petitioner's residence and
17 petitioner's place of employment or within the scope of the
18 petitioner's employment related duties, or to allow the
19 petitioner to transport himself or herself or a family member
20 of the petitioner's household to a medical facility for the
21 receipt of necessary medical care or to allow the petitioner to
22 transport himself or herself to and from alcohol or drug
23 remedial or rehabilitative activity recommended by a licensed
24 service provider, or to allow the petitioner to transport
25 himself or herself or a family member of the petitioner's
26 household to classes, as a student, at an accredited

1 educational institution, or to allow the petitioner to
2 transport children, elderly persons, or disabled persons who do
3 not hold driving privilege and are living in the petitioner's
4 household to and from daycare; if the petitioner is able to
5 demonstrate that no alternative means of transportation is
6 reasonably available and that the petitioner will not endanger
7 the public safety or welfare; provided that the Secretary's
8 discretion shall be limited to cases where undue hardship, as
9 defined by the rules of the Secretary of State, would result
10 from a failure to issue the restricted driving permit. Those
11 multiple offenders identified in subdivision (b)4 of Section
12 6-208 of this Code, however, shall not be eligible for the
13 issuance of a restricted driving permit.

14 (2) If a person's license or permit is revoked or
15 suspended due to 2 or more convictions of violating Section
16 11-501 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense, or Section 9-3
18 of the Criminal Code of 1961, where the use of alcohol or
19 other drugs is recited as an element of the offense, or a
20 similar out-of-state offense, or a combination of these
21 offenses, arising out of separate occurrences, that
22 person, if issued a restricted driving permit, may not
23 operate a vehicle unless it has been equipped with an
24 ignition interlock device as defined in Section 1-129.1.

25 (3) If:

26 (A) a person's license or permit is revoked or

1 suspended 2 or more times within a 10 year period due
2 to any combination of:

3 (i) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense,
6 or Section 9-3 of the Criminal Code of 1961, where
7 the use of alcohol or other drugs is recited as an
8 element of the offense, or a similar out-of-state
9 offense; or

10 (ii) a statutory summary suspension under
11 Section 11-501.1; or

12 (iii) a suspension pursuant to Section
13 6-203.1;

14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of
16 Section 6-303 of this Code committed while his or her
17 driver's license, permit, or privilege was revoked
18 because of a violation of Section 9-3 of the Criminal
19 Code of 1961, relating to the offense of reckless
20 homicide where the use of alcohol or other drugs was
21 recited as an element of the offense, or a similar
22 provision of a law of another state;

23 that person, if issued a restricted driving permit, may not
24 operate a vehicle unless it has been equipped with an
25 ignition interlock device as defined in Section 1-129.1.

26 (4) The person issued a permit conditioned on the use

1 of an ignition interlock device must pay to the Secretary
2 of State DUI Administration Fund an amount not to exceed
3 \$30 per month. The Secretary shall establish by rule the
4 amount and the procedures, terms, and conditions relating
5 to these fees.

6 (5) If the restricted driving permit is issued for
7 employment purposes, then the prohibition against
8 operating a motor vehicle that is not equipped with an
9 ignition interlock device does not apply to the operation
10 of an occupational vehicle owned or leased by that person's
11 employer when used solely for employment purposes.

12 (6) In each case the Secretary of State may issue a
13 restricted driving permit for a period he deems
14 appropriate, except that the permit shall expire within one
15 year from the date of issuance. The Secretary may not,
16 however, issue a restricted driving permit to any person
17 whose current revocation is the result of a second or
18 subsequent conviction for a violation of Section 11-501 of
19 this Code or a similar provision of a local ordinance or
20 any similar out-of-state offense, or Section 9-3 of the
21 Criminal Code of 1961, where the use of alcohol or other
22 drugs is recited as an element of the offense, or any
23 similar out-of-state offense, or any combination of these
24 offenses, until the expiration of at least one year from
25 the date of the revocation. A restricted driving permit
26 issued under this Section shall be subject to cancellation,

1 revocation, and suspension by the Secretary of State in
2 like manner and for like cause as a driver's license issued
3 under this Code may be cancelled, revoked, or suspended;
4 except that a conviction upon one or more offenses against
5 laws or ordinances regulating the movement of traffic shall
6 be deemed sufficient cause for the revocation, suspension,
7 or cancellation of a restricted driving permit. The
8 Secretary of State may, as a condition to the issuance of a
9 restricted driving permit, require the petitioner to
10 participate in a designated driver remedial or
11 rehabilitative program. The Secretary of State is
12 authorized to cancel a restricted driving permit if the
13 permit holder does not successfully complete the program.
14 However, if an individual's driving privileges have been
15 revoked in accordance with paragraph 13 of subsection (a)
16 of this Section, no restricted driving permit shall be
17 issued until the individual has served 6 months of the
18 revocation period.

19 (c-5) (Blank).

20 (c-6) If a person is convicted of a second violation of
21 operating a motor vehicle while the person's driver's license,
22 permit or privilege was revoked, where the revocation was for a
23 violation of Section 9-3 of the Criminal Code of 1961 relating
24 to the offense of reckless homicide or a similar out-of-state
25 offense, the person's driving privileges shall be revoked
26 pursuant to subdivision (a)(15) of this Section. The person may

1 not make application for a license or permit until the
2 expiration of five years from the effective date of the
3 revocation or the expiration of five years from the date of
4 release from a term of imprisonment, whichever is later.

5 (c-7) If a person is convicted of a third or subsequent
6 violation of operating a motor vehicle while the person's
7 driver's license, permit or privilege was revoked, where the
8 revocation was for a violation of Section 9-3 of the Criminal
9 Code of 1961 relating to the offense of reckless homicide or a
10 similar out-of-state offense, the person may never apply for a
11 license or permit.

12 (d) (1) Whenever a person under the age of 21 is convicted
13 under Section 11-501 of this Code or a similar provision of a
14 local ordinance or a similar out-of-state offense, the
15 Secretary of State shall revoke the driving privileges of that
16 person. One year after the date of revocation, and upon
17 application, the Secretary of State may, if satisfied that the
18 person applying will not endanger the public safety or welfare,
19 issue a restricted driving permit granting the privilege of
20 driving a motor vehicle only between the hours of 5 a.m. and 9
21 p.m. or as otherwise provided by this Section for a period of
22 one year. After this one year period, and upon reapplication
23 for a license as provided in Section 6-106, upon payment of the
24 appropriate reinstatement fee provided under paragraph (b) of
25 Section 6-118, the Secretary of State, in his discretion, may
26 reinstate the petitioner's driver's license and driving

1 privileges, or extend the restricted driving permit as many
2 times as the Secretary of State deems appropriate, by
3 additional periods of not more than 12 months each.

4 (2) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or Section 9-3
8 of the Criminal Code of 1961, where the use of alcohol or
9 other drugs is recited as an element of the offense, or a
10 similar out-of-state offense, or a combination of these
11 offenses, arising out of separate occurrences, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (3) If a person's license or permit is revoked or
16 suspended 2 or more times within a 10 year period due to
17 any combination of:

18 (A) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense, or
21 Section 9-3 of the Criminal Code of 1961, where the use
22 of alcohol or other drugs is recited as an element of
23 the offense, or a similar out-of-state offense; or

24 (B) a statutory summary suspension under Section
25 11-501.1; or

26 (C) a suspension pursuant to Section 6-203.1;

1 arising out of separate occurrences, that person, if issued
2 a restricted driving permit, may not operate a vehicle
3 unless it has been equipped with an ignition interlock
4 device as defined in Section 1-129.1.

5 (4) The person issued a permit conditioned upon the use
6 of an interlock device must pay to the Secretary of State
7 DUI Administration Fund an amount not to exceed \$30 per
8 month. The Secretary shall establish by rule the amount and
9 the procedures, terms, and conditions relating to these
10 fees.

11 (5) If the restricted driving permit is issued for
12 employment purposes, then the prohibition against driving
13 a vehicle that is not equipped with an ignition interlock
14 device does not apply to the operation of an occupational
15 vehicle owned or leased by that person's employer when used
16 solely for employment purposes.

17 (6) A restricted driving permit issued under this
18 Section shall be subject to cancellation, revocation, and
19 suspension by the Secretary of State in like manner and for
20 like cause as a driver's license issued under this Code may
21 be cancelled, revoked, or suspended; except that a
22 conviction upon one or more offenses against laws or
23 ordinances regulating the movement of traffic shall be
24 deemed sufficient cause for the revocation, suspension, or
25 cancellation of a restricted driving permit.

26 (d-5) The revocation of the license, permit, or driving

1 privileges of a person convicted of a third or subsequent
2 violation of Section 6-303 of this Code committed while his or
3 her driver's license, permit, or privilege was revoked because
4 of a violation of Section 9-3 of the Criminal Code of 1961,
5 relating to the offense of reckless homicide, or a similar
6 provision of a law of another state, is permanent. The
7 Secretary may not, at any time, issue a license or permit to
8 that person.

9 (e) This Section is subject to the provisions of the Driver
10 License Compact.

11 (f) Any revocation imposed upon any person under
12 subsections 2 and 3 of paragraph (b) that is in effect on
13 December 31, 1988 shall be converted to a suspension for a like
14 period of time.

15 (g) The Secretary of State shall not issue a restricted
16 driving permit to a person under the age of 16 years whose
17 driving privileges have been revoked under any provisions of
18 this Code.

19 (h) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by a person
21 who has been convicted of a second or subsequent offense under
22 Section 11-501 of this Code or a similar provision of a local
23 ordinance. The person must pay to the Secretary of State DUI
24 Administration Fund an amount not to exceed \$30 for each month
25 that he or she uses the device. The Secretary shall establish
26 by rule and regulation the procedures for certification and use

1 of the interlock system, the amount of the fee, and the
2 procedures, terms, and conditions relating to these fees.

3 (i) (Blank).

4 (j) In accordance with 49 C.F.R. 384, the Secretary of
5 State may not issue a restricted driving permit for the
6 operation of a commercial motor vehicle to a person holding a
7 CDL whose driving privileges have been revoked, suspended,
8 cancelled, or disqualified under any provisions of this Code.

9 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
10 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
11 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
12 96-607, eff. 8-24-09.)

13 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

14 Sec. 6-206. Discretionary authority to suspend or revoke
15 license or permit; Right to a hearing.

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of
25 vehicles committed within any 12 month period. No

1 revocation or suspension shall be entered more than 6
2 months after the date of last conviction;

3 3. Has been repeatedly involved as a driver in motor
4 vehicle collisions or has been repeatedly convicted of
5 offenses against laws and ordinances regulating the
6 movement of traffic, to a degree that indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

11 4. Has by the unlawful operation of a motor vehicle
12 caused or contributed to an accident resulting in death or
13 injury requiring immediate professional treatment in a
14 medical facility or doctor's office to any person, except
15 that any suspension or revocation imposed by the Secretary
16 of State under the provisions of this subsection shall
17 start no later than 6 months after being convicted of
18 violating a law or ordinance regulating the movement of
19 traffic, which violation is related to the accident, or
20 shall start not more than one year after the date of the
21 accident, whichever date occurs later;

22 5. Has permitted an unlawful or fraudulent use of a
23 driver's license, identification card, or permit;

24 6. Has been lawfully convicted of an offense or
25 offenses in another state, including the authorization
26 contained in Section 6-203.1, which if committed within

1 this State would be grounds for suspension or revocation;

2 7. Has refused or failed to submit to an examination
3 provided for by Section 6-207 or has failed to pass the
4 examination;

5 8. Is ineligible for a driver's license or permit under
6 the provisions of Section 6-103;

7 9. Has made a false statement or knowingly concealed a
8 material fact or has used false information or
9 identification in any application for a license,
10 identification card, or permit;

11 10. Has possessed, displayed, or attempted to
12 fraudulently use any license, identification card, or
13 permit not issued to the person;

14 11. Has operated a motor vehicle upon a highway of this
15 State when the person's driving privilege or privilege to
16 obtain a driver's license or permit was revoked or
17 suspended unless the operation was authorized by a
18 monitoring device driving permit, judicial driving permit
19 issued prior to January 1, 2009, probationary license to
20 drive, or a restricted driving permit issued under this
21 Code;

22 12. Has submitted to any portion of the application
23 process for another person or has obtained the services of
24 another person to submit to any portion of the application
25 process for the purpose of obtaining a license,
26 identification card, or permit for some other person;

1 13. Has operated a motor vehicle upon a highway of this
2 State when the person's driver's license or permit was
3 invalid under the provisions of Sections 6-107.1 and 6-110;

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
6 of the Illinois Identification Card Act;

7 15. Has been convicted of violating Section 21-2 of the
8 Criminal Code of 1961 relating to criminal trespass to
9 vehicles in which case, the suspension shall be for one
10 year;

11 16. Has been convicted of violating Section 11-204 of
12 this Code relating to fleeing from a peace officer;

13 17. Has refused to submit to a test, or tests, as
14 required under Section 11-501.1 of this Code and the person
15 has not sought a hearing as provided for in Section
16 11-501.1;

17 18. Has, since issuance of a driver's license or
18 permit, been adjudged to be afflicted with or suffering
19 from any mental disability or disease;

20 19. Has committed a violation of paragraph (a) or (b)
21 of Section 6-101 relating to driving without a driver's
22 license;

23 20. Has been convicted of violating Section 6-104
24 relating to classification of driver's license;

25 21. Has been convicted of violating Section 11-402 of
26 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

3 22. Has used a motor vehicle in violating paragraph
4 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
5 the Criminal Code of 1961 relating to unlawful use of
6 weapons, in which case the suspension shall be for one
7 year;

8 23. Has, as a driver, been convicted of committing a
9 violation of paragraph (a) of Section 11-502 of this Code
10 for a second or subsequent time within one year of a
11 similar violation;

12 24. Has been convicted by a court-martial or punished
13 by non-judicial punishment by military authorities of the
14 United States at a military installation in Illinois of or
15 for a traffic related offense that is the same as or
16 similar to an offense specified under Section 6-205 or
17 6-206 of this Code;

18 25. Has permitted any form of identification to be used
19 by another in the application process in order to obtain or
20 attempt to obtain a license, identification card, or
21 permit;

22 26. Has altered or attempted to alter a license or has
23 possessed an altered license, identification card, or
24 permit;

25 27. Has violated Section 6-16 of the Liquor Control Act
26 of 1934;

1 28. Has been convicted of the illegal possession, while
2 operating or in actual physical control, as a driver, of a
3 motor vehicle, of any controlled substance prohibited
4 under the Illinois Controlled Substances Act, any cannabis
5 prohibited under the Cannabis Control Act, or any
6 methamphetamine prohibited under the Methamphetamine
7 Control and Community Protection Act, in which case the
8 person's driving privileges shall be suspended for one
9 year, and any driver who is convicted of a second or
10 subsequent offense, within 5 years of a previous
11 conviction, for the illegal possession, while operating or
12 in actual physical control, as a driver, of a motor
13 vehicle, of any controlled substance prohibited under the
14 Illinois Controlled Substances Act, any cannabis
15 prohibited under the Cannabis Control Act, or any
16 methamphetamine prohibited under the Methamphetamine
17 Control and Community Protection Act shall be suspended for
18 5 years. Any defendant found guilty of this offense while
19 operating a motor vehicle, shall have an entry made in the
20 court record by the presiding judge that this offense did
21 occur while the defendant was operating a motor vehicle and
22 order the clerk of the court to report the violation to the
23 Secretary of State;

24 29. Has been convicted of the following offenses that
25 were committed while the person was operating or in actual
26 physical control, as a driver, of a motor vehicle: criminal

1 sexual assault, predatory criminal sexual assault of a
2 child, aggravated criminal sexual assault, criminal sexual
3 abuse, aggravated criminal sexual abuse, juvenile pimping,
4 soliciting for a juvenile prostitute and the manufacture,
5 sale or delivery of controlled substances or instruments
6 used for illegal drug use or abuse in which case the
7 driver's driving privileges shall be suspended for one
8 year;

9 30. Has been convicted a second or subsequent time for
10 any combination of the offenses named in paragraph 29 of
11 this subsection, in which case the person's driving
12 privileges shall be suspended for 5 years;

13 31. Has refused to submit to a test as required by
14 Section 11-501.6 or has submitted to a test resulting in an
15 alcohol concentration of 0.08 or more or any amount of a
16 drug, substance, or compound resulting from the unlawful
17 use or consumption of cannabis as listed in the Cannabis
18 Control Act, a controlled substance as listed in the
19 Illinois Controlled Substances Act, an intoxicating
20 compound as listed in the Use of Intoxicating Compounds
21 Act, or methamphetamine as listed in the Methamphetamine
22 Control and Community Protection Act, in which case the
23 penalty shall be as prescribed in Section 6-208.1;

24 32. Has been convicted of Section 24-1.2 of the
25 Criminal Code of 1961 relating to the aggravated discharge
26 of a firearm if the offender was located in a motor vehicle

1 at the time the firearm was discharged, in which case the
2 suspension shall be for 3 years;

3 33. Has as a driver, who was less than 21 years of age
4 on the date of the offense, been convicted a first time of
5 a violation of paragraph (a) of Section 11-502 of this Code
6 or a similar provision of a local ordinance;

7 34. Has committed a violation of Section 11-1301.5 of
8 this Code;

9 35. Has committed a violation of Section 11-1301.6 of
10 this Code;

11 36. Is under the age of 21 years at the time of arrest
12 and has been convicted of not less than 2 offenses against
13 traffic regulations governing the movement of vehicles
14 committed within any 24 month period. No revocation or
15 suspension shall be entered more than 6 months after the
16 date of last conviction;

17 37. Has committed a violation of subsection (c) of
18 Section 11-907 of this Code that resulted in damage to the
19 property of another or the death or injury of another;

20 38. Has been convicted of a violation of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance;

23 39. Has committed a second or subsequent violation of
24 Section 11-1201 of this Code;

25 40. Has committed a violation of subsection (a-1) of
26 Section 11-908 of this Code;

1 41. Has committed a second or subsequent violation of
2 Section 11-605.1 of this Code within 2 years of the date of
3 the previous violation, in which case the suspension shall
4 be for 90 days;

5 42. Has committed a violation of subsection (a-1) of
6 Section 11-1301.3 of this Code;

7 43. Has received a disposition of court supervision for
8 a violation of subsection (a), (d), or (e) of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance, in which case the suspension shall be
11 for a period of 3 months;

12 44. Is under the age of 21 years at the time of arrest
13 and has been convicted of an offense against traffic
14 regulations governing the movement of vehicles after
15 having previously had his or her driving privileges
16 suspended or revoked pursuant to subparagraph 36 of this
17 Section; or

18 45. Has, in connection with or during the course of a
19 formal hearing conducted under Section 2-118 of this Code:
20 (i) committed perjury; (ii) submitted fraudulent or
21 falsified documents; (iii) submitted documents that have
22 been materially altered; or (iv) submitted, as his or her
23 own, documents that were in fact prepared or composed for
24 another person.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license is
2 deposited in lieu of bail, a suspension notice issued by the
3 Secretary of State, a duplicate or corrected driver's license,
4 a probationary driver's license or a temporary driver's
5 license.

6 (b) If any conviction forming the basis of a suspension or
7 revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be, provided
10 that a certified copy of a stay order of a court is filed with
11 the Secretary of State. If the conviction is affirmed on
12 appeal, the date of the conviction shall relate back to the
13 time the original judgment of conviction was entered and the 6
14 month limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or
16 permit of any person as authorized in this Section, the
17 Secretary of State shall immediately notify the person in
18 writing of the revocation or suspension. The notice to be
19 deposited in the United States mail, postage prepaid, to the
20 last known address of the person.

21 2. If the Secretary of State suspends the driver's
22 license of a person under subsection 2 of paragraph (a) of
23 this Section, a person's privilege to operate a vehicle as
24 an occupation shall not be suspended, provided an affidavit
25 is properly completed, the appropriate fee received, and a
26 permit issued prior to the effective date of the

1 suspension, unless 5 offenses were committed, at least 2 of
2 which occurred while operating a commercial vehicle in
3 connection with the driver's regular occupation. All other
4 driving privileges shall be suspended by the Secretary of
5 State. Any driver prior to operating a vehicle for
6 occupational purposes only must submit the affidavit on
7 forms to be provided by the Secretary of State setting
8 forth the facts of the person's occupation. The affidavit
9 shall also state the number of offenses committed while
10 operating a vehicle in connection with the driver's regular
11 occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as
18 set forth in the notice that was mailed under this Section.
19 If an affidavit is received subsequent to the effective
20 date of this suspension, a permit may be issued for the
21 remainder of the suspension period.

22 The provisions of this subparagraph shall not apply to
23 any driver required to possess a CDL for the purpose of
24 operating a commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section

1 6-302 and upon conviction thereof shall have all driving
2 privileges revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118
4 of this Code, the Secretary of State shall either rescind
5 or continue an order of revocation or shall substitute an
6 order of suspension; or, good cause appearing therefor,
7 rescind, continue, change, or extend the order of
8 suspension. If the Secretary of State does not rescind the
9 order, the Secretary may upon application, to relieve undue
10 hardship (as defined by the rules of the Secretary of
11 State), issue a restricted driving permit granting the
12 privilege of driving a motor vehicle between the
13 petitioner's residence and petitioner's place of
14 employment or within the scope of the petitioner's
15 employment related duties, or to allow the petitioner to
16 transport himself or herself, or a family member of the
17 petitioner's household to a medical facility, to receive
18 necessary medical care, to allow the petitioner to
19 transport himself or herself to and from alcohol or drug
20 remedial or rehabilitative activity recommended by a
21 licensed service provider, or to allow the petitioner to
22 transport himself or herself or a family member of the
23 petitioner's household to classes, as a student, at an
24 accredited educational institution, or to allow the
25 petitioner to transport children, elderly persons, or
26 disabled persons who do not hold driving privileges and are

1 living in the petitioner's household to and from daycare.
2 The petitioner must demonstrate that no alternative means
3 of transportation is reasonably available and that the
4 petitioner will not endanger the public safety or welfare.
5 Those multiple offenders identified in subdivision (b)4 of
6 Section 6-208 of this Code, however, shall not be eligible
7 for the issuance of a restricted driving permit.

8 (A) If a person's license or permit is revoked or
9 suspended due to 2 or more convictions of violating
10 Section 11-501 of this Code or a similar provision of a
11 local ordinance or a similar out-of-state offense, or
12 Section 9-3 of the Criminal Code of 1961, where the use
13 of alcohol or other drugs is recited as an element of
14 the offense, or a similar out-of-state offense, or a
15 combination of these offenses, arising out of separate
16 occurrences, that person, if issued a restricted
17 driving permit, may not operate a vehicle unless it has
18 been equipped with an ignition interlock device as
19 defined in Section 1-129.1.

20 (B) If a person's license or permit is revoked or
21 suspended 2 or more times within a 10 year period due
22 to any combination of:

23 (i) a single conviction of violating Section
24 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense
26 or Section 9-3 of the Criminal Code of 1961, where

1 the use of alcohol or other drugs is recited as an
2 element of the offense, or a similar out-of-state
3 offense; or

4 (ii) a statutory summary suspension under
5 Section 11-501.1; or

6 (iii) a suspension under Section 6-203.1;
7 arising out of separate occurrences; that person, if
8 issued a restricted driving permit, may not operate a
9 vehicle unless it has been equipped with an ignition
10 interlock device as defined in Section 1-129.1.

11 (C) The person issued a permit conditioned upon the
12 use of an ignition interlock device must pay to the
13 Secretary of State DUI Administration Fund an amount
14 not to exceed \$30 per month. The Secretary shall
15 establish by rule the amount and the procedures, terms,
16 and conditions relating to these fees.

17 (D) If the restricted driving permit is issued for
18 employment purposes, then the prohibition against
19 operating a motor vehicle that is not equipped with an
20 ignition interlock device does not apply to the
21 operation of an occupational vehicle owned or leased by
22 that person's employer when used solely for employment
23 purposes.

24 (E) In each case the Secretary may issue a
25 restricted driving permit for a period deemed
26 appropriate, except that all permits shall expire

1 within one year from the date of issuance. The
2 Secretary may not, however, issue a restricted driving
3 permit to any person whose current revocation is the
4 result of a second or subsequent conviction for a
5 violation of Section 11-501 of this Code or a similar
6 provision of a local ordinance or any similar
7 out-of-state offense, or Section 9-3 of the Criminal
8 Code of 1961, where the use of alcohol or other drugs
9 is recited as an element of the offense, or any similar
10 out-of-state offense, or any combination of those
11 offenses, until the expiration of at least one year
12 from the date of the revocation. A restricted driving
13 permit issued under this Section shall be subject to
14 cancellation, revocation, and suspension by the
15 Secretary of State in like manner and for like cause as
16 a driver's license issued under this Code may be
17 cancelled, revoked, or suspended; except that a
18 conviction upon one or more offenses against laws or
19 ordinances regulating the movement of traffic shall be
20 deemed sufficient cause for the revocation,
21 suspension, or cancellation of a restricted driving
22 permit. The Secretary of State may, as a condition to
23 the issuance of a restricted driving permit, require
24 the applicant to participate in a designated driver
25 remedial or rehabilitative program. The Secretary of
26 State is authorized to cancel a restricted driving

1 permit if the permit holder does not successfully
2 complete the program.

3 (c-3) In the case of a suspension under paragraph 43 of
4 subsection (a), reports received by the Secretary of State
5 under this Section shall, except during the actual time the
6 suspension is in effect, be privileged information and for use
7 only by the courts, police officers, prosecuting authorities,
8 the driver licensing administrator of any other state, the
9 Secretary of State, or the parent or legal guardian of a driver
10 under the age of 18. However, beginning January 1, 2008, if the
11 person is a CDL holder, the suspension shall also be made
12 available to the driver licensing administrator of any other
13 state, the U.S. Department of Transportation, and the affected
14 driver or motor carrier or prospective motor carrier upon
15 request.

16 (c-4) In the case of a suspension under paragraph 43 of
17 subsection (a), the Secretary of State shall notify the person
18 by mail that his or her driving privileges and driver's license
19 will be suspended one month after the date of the mailing of
20 the notice.

21 (c-5) The Secretary of State may, as a condition of the
22 reissuance of a driver's license or permit to an applicant
23 whose driver's license or permit has been suspended before he
24 or she reached the age of 21 years pursuant to any of the
25 provisions of this Section, require the applicant to
26 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

4 (e) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been suspended or revoked under any
7 provisions of this Code.

8 (f) In accordance with 49 C.F.R. 384, the Secretary of
9 State may not issue a restricted driving permit for the
10 operation of a commercial motor vehicle to a person holding a
11 CDL whose driving privileges have been suspended, revoked,
12 cancelled, or disqualified under any provisions of this Code.

13 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
14 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
15 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
16 eff. 8-11-09; 96-607, eff. 8-24-09.)

17 Section 10. The Unified Code of Corrections is amended by
18 changing Section 5-4-1 as follows:

19 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

20 Sec. 5-4-1. Sentencing Hearing.

21 (a) Except when the death penalty is sought under hearing
22 procedures otherwise specified, after a determination of
23 guilt, a hearing shall be held to impose the sentence. However,
24 prior to the imposition of sentence on an individual being

1 sentenced for an offense based upon a charge for a violation of
2 Section 11-501 of the Illinois Vehicle Code or a similar
3 provision of a local ordinance, the individual must undergo a
4 professional evaluation to determine if an alcohol or other
5 drug abuse problem exists and the extent of such a problem.
6 Programs conducting these evaluations shall be licensed by the
7 Department of Human Services. However, if the individual is not
8 a resident of Illinois, the court may, in its discretion,
9 accept an evaluation from a program in the state of such
10 individual's residence. The court may in its sentencing order
11 approve an eligible defendant for placement in a Department of
12 Corrections impact incarceration program as provided in
13 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
14 order recommend a defendant for placement in a Department of
15 Corrections substance abuse treatment program as provided in
16 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
17 upon the defendant being accepted in a program by the
18 Department of Corrections. At the hearing the court shall:

19 (1) consider the evidence, if any, received upon the
20 trial;

21 (2) consider any presentence reports;

22 (3) consider the financial impact of incarceration
23 based on the financial impact statement filed with the
24 clerk of the court by the Department of Corrections;

25 (4) consider evidence and information offered by the
26 parties in aggravation and mitigation;

1 (4.5) consider substance abuse treatment, eligibility
2 screening, and an assessment, if any, of the defendant by
3 an agent designated by the State of Illinois to provide
4 assessment services for the Illinois courts;

5 (5) hear arguments as to sentencing alternatives;

6 (6) afford the defendant the opportunity to make a
7 statement in his own behalf;

8 (7) afford the victim of a violent crime or a violation
9 of Section 11-501 of the Illinois Vehicle Code, or a
10 similar provision of a local ordinance, or a qualified
11 individual affected by: (i) a violation of Section 405,
12 405.1, 405.2, or 407 of the Illinois Controlled Substances
13 Act or a violation of Section 55 or Section 65 of the
14 Methamphetamine Control and Community Protection Act, or
15 (ii) a Class 4 felony violation of Section 11-14, 11-15,
16 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of
17 1961, committed by the defendant the opportunity to make a
18 statement concerning the impact on the victim and to offer
19 evidence in aggravation or mitigation; provided that the
20 statement and evidence offered in aggravation or
21 mitigation must first be prepared in writing in conjunction
22 with the State's Attorney before it may be presented orally
23 at the hearing. Any sworn testimony offered by the victim
24 is subject to the defendant's right to cross-examine. All
25 statements and evidence offered under this paragraph (7)
26 shall become part of the record of the court. For the

1 purpose of this paragraph (7), "qualified individual"
2 means any person who (i) lived or worked within the
3 territorial jurisdiction where the offense took place when
4 the offense took place; and (ii) is familiar with various
5 public places within the territorial jurisdiction where
6 the offense took place when the offense took place. For the
7 purposes of this paragraph (7), "qualified individual"
8 includes any peace officer, or any member of any duly
9 organized State, county, or municipal peace unit assigned
10 to the territorial jurisdiction where the offense took
11 place when the offense took place;

12 (8) in cases of reckless homicide afford the victim's
13 spouse, guardians, parents or other immediate family
14 members an opportunity to make oral statements; ~~and~~

15 (9) in cases involving a felony sex offense as defined
16 under the Sex Offender Management Board Act, consider the
17 results of the sex offender evaluation conducted pursuant
18 to Section 5-3-2 of this Act; and -

19 (10) make a finding of whether a motor vehicle was used
20 in the commission of the offense for which the defendant is
21 being sentenced.

22 (b) All sentences shall be imposed by the judge based upon
23 his independent assessment of the elements specified above and
24 any agreement as to sentence reached by the parties. The judge
25 who presided at the trial or the judge who accepted the plea of
26 guilty shall impose the sentence unless he is no longer sitting

1 as a judge in that court. Where the judge does not impose
2 sentence at the same time on all defendants who are convicted
3 as a result of being involved in the same offense, the
4 defendant or the State's Attorney may advise the sentencing
5 court of the disposition of any other defendants who have been
6 sentenced.

7 (c) In imposing a sentence for a violent crime or for an
8 offense of operating or being in physical control of a vehicle
9 while under the influence of alcohol, any other drug or any
10 combination thereof, or a similar provision of a local
11 ordinance, when such offense resulted in the personal injury to
12 someone other than the defendant, the trial judge shall specify
13 on the record the particular evidence, information, factors in
14 mitigation and aggravation or other reasons that led to his
15 sentencing determination. The full verbatim record of the
16 sentencing hearing shall be filed with the clerk of the court
17 and shall be a public record.

18 (c-1) In imposing a sentence for the offense of aggravated
19 kidnapping for ransom, home invasion, armed robbery,
20 aggravated vehicular hijacking, aggravated discharge of a
21 firearm, or armed violence with a category I weapon or category
22 II weapon, the trial judge shall make a finding as to whether
23 the conduct leading to conviction for the offense resulted in
24 great bodily harm to a victim, and shall enter that finding and
25 the basis for that finding in the record.

26 (c-2) If the defendant is sentenced to prison, other than

1 when a sentence of natural life imprisonment or a sentence of
2 death is imposed, at the time the sentence is imposed the judge
3 shall state on the record in open court the approximate period
4 of time the defendant will serve in custody according to the
5 then current statutory rules and regulations for early release
6 found in Section 3-6-3 and other related provisions of this
7 Code. This statement is intended solely to inform the public,
8 has no legal effect on the defendant's actual release, and may
9 not be relied on by the defendant on appeal.

10 The judge's statement, to be given after pronouncing the
11 sentence, other than when the sentence is imposed for one of
12 the offenses enumerated in paragraph (a) (3) of Section 3-6-3,
13 shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, assuming the defendant receives all of his or her good
21 conduct credit, the period of estimated actual custody is ...
22 years and ... months, less up to 180 days additional good
23 conduct credit for meritorious service. If the defendant,
24 because of his or her own misconduct or failure to comply with
25 the institutional regulations, does not receive those credits,
26 the actual time served in prison will be longer. The defendant

1 may also receive an additional one-half day good conduct credit
2 for each day of participation in vocational, industry,
3 substance abuse, and educational programs as provided for by
4 Illinois statute."

5 When the sentence is imposed for one of the offenses
6 enumerated in paragraph (a)(3) of Section 3-6-3, other than
7 when the sentence is imposed for one of the offenses enumerated
8 in paragraph (a)(2) of Section 3-6-3 committed on or after June
9 19, 1998, and other than when the sentence is imposed for
10 reckless homicide as defined in subsection (e) of Section 9-3
11 of the Criminal Code of 1961 if the offense was committed on or
12 after January 1, 1999, and other than when the sentence is
13 imposed for aggravated arson if the offense was committed on or
14 after July 27, 2001 (the effective date of Public Act 92-176),
15 the judge's statement, to be given after pronouncing the
16 sentence, shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois as
21 applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, assuming the defendant receives all of his or her good
24 conduct credit, the period of estimated actual custody is ...
25 years and ... months, less up to 90 days additional good
26 conduct credit for meritorious service. If the defendant,

1 because of his or her own misconduct or failure to comply with
2 the institutional regulations, does not receive those credits,
3 the actual time served in prison will be longer. The defendant
4 may also receive an additional one-half day good conduct credit
5 for each day of participation in vocational, industry,
6 substance abuse, and educational programs as provided for by
7 Illinois statute."

8 When the sentence is imposed for one of the offenses
9 enumerated in paragraph (a)(2) of Section 3-6-3, other than
10 first degree murder, and the offense was committed on or after
11 June 19, 1998, and when the sentence is imposed for reckless
12 homicide as defined in subsection (e) of Section 9-3 of the
13 Criminal Code of 1961 if the offense was committed on or after
14 January 1, 1999, and when the sentence is imposed for
15 aggravated driving under the influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds, or any
17 combination thereof as defined in subparagraph (F) of paragraph
18 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
19 Code, and when the sentence is imposed for aggravated arson if
20 the offense was committed on or after July 27, 2001 (the
21 effective date of Public Act 92-176), the judge's statement, to
22 be given after pronouncing the sentence, shall include the
23 following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois as
2 applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant is entitled to no more than 4 1/2 days of
5 good conduct credit for each month of his or her sentence of
6 imprisonment. Therefore, this defendant will serve at least 85%
7 of his or her sentence. Assuming the defendant receives 4 1/2
8 days credit for each month of his or her sentence, the period
9 of estimated actual custody is ... years and ... months. If the
10 defendant, because of his or her own misconduct or failure to
11 comply with the institutional regulations receives lesser
12 credit, the actual time served in prison will be longer."

13 When a sentence of imprisonment is imposed for first degree
14 murder and the offense was committed on or after June 19, 1998,
15 the judge's statement, to be given after pronouncing the
16 sentence, shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois as
21 applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, the defendant is not entitled to good conduct credit.
24 Therefore, this defendant will serve 100% of his or her
25 sentence."

26 When the sentencing order recommends placement in a

1 substance abuse program for any offense that results in
2 incarceration in a Department of Corrections facility and the
3 crime was committed on or after September 1, 2003 (the
4 effective date of Public Act 93-354), the judge's statement, in
5 addition to any other judge's statement required under this
6 Section, to be given after pronouncing the sentence, shall
7 include the following:

8 "The purpose of this statement is to inform the public of
9 the actual period of time this defendant is likely to spend in
10 prison as a result of this sentence. The actual period of
11 prison time served is determined by the statutes of Illinois as
12 applied to this sentence by the Illinois Department of
13 Corrections and the Illinois Prisoner Review Board. In this
14 case, the defendant shall receive no good conduct credit under
15 clause (3) of subsection (a) of Section 3-6-3 until he or she
16 participates in and completes a substance abuse treatment
17 program or receives a waiver from the Director of Corrections
18 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

19 (c-4) Before the sentencing hearing and as part of the
20 presentence investigation under Section 5-3-1, the court shall
21 inquire of the defendant whether the defendant is currently
22 serving in or is a veteran of the Armed Forces of the United
23 States. If the defendant is currently serving in the Armed
24 Forces of the United States or is a veteran of the Armed Forces
25 of the United States and has been diagnosed as having a mental
26 illness by a qualified psychiatrist or clinical psychologist or

1 physician, the court may:

2 (1) order that the officer preparing the presentence
3 report consult with the United States Department of
4 Veterans Affairs, Illinois Department of Veterans'
5 Affairs, or another agency or person with suitable
6 knowledge or experience for the purpose of providing the
7 court with information regarding treatment options
8 available to the defendant, including federal, State, and
9 local programming; and

10 (2) consider the treatment recommendations of any
11 diagnosing or treating mental health professionals
12 together with the treatment options available to the
13 defendant in imposing sentence.

14 For the purposes of this subsection (c-4), "qualified
15 psychiatrist" means a reputable physician licensed in Illinois
16 to practice medicine in all its branches, who has specialized
17 in the diagnosis and treatment of mental and nervous disorders
18 for a period of not less than 5 years.

19 (c-6) In imposing a sentence, the trial judge shall
20 specify, on the record, the particular evidence and other
21 reasons which led to his or her determination that a motor
22 vehicle was used in the commission of the offense.

23 (d) When the defendant is committed to the Department of
24 Corrections, the State's Attorney shall and counsel for the
25 defendant may file a statement with the clerk of the court to
26 be transmitted to the department, agency or institution to

1 which the defendant is committed to furnish such department,
2 agency or institution with the facts and circumstances of the
3 offense for which the person was committed together with all
4 other factual information accessible to them in regard to the
5 person prior to his commitment relative to his habits,
6 associates, disposition and reputation and any other facts and
7 circumstances which may aid such department, agency or
8 institution during its custody of such person. The clerk shall
9 within 10 days after receiving any such statements transmit a
10 copy to such department, agency or institution and a copy to
11 the other party, provided, however, that this shall not be
12 cause for delay in conveying the person to the department,
13 agency or institution to which he has been committed.

14 (e) The clerk of the court shall transmit to the
15 department, agency or institution, if any, to which the
16 defendant is committed, the following:

17 (1) the sentence imposed;

18 (2) any statement by the court of the basis for
19 imposing the sentence;

20 (3) any presentence reports;

21 (3.5) any sex offender evaluations;

22 (3.6) any substance abuse treatment eligibility
23 screening and assessment of the defendant by an agent
24 designated by the State of Illinois to provide assessment
25 services for the Illinois courts;

26 (4) the number of days, if any, which the defendant has

1 been in custody and for which he is entitled to credit
2 against the sentence, which information shall be provided
3 to the clerk by the sheriff;

4 (4.1) any finding of great bodily harm made by the
5 court with respect to an offense enumerated in subsection
6 (c-1);

7 (5) all statements filed under subsection (d) of this
8 Section;

9 (6) any medical or mental health records or summaries
10 of the defendant;

11 (7) the municipality where the arrest of the offender
12 or the commission of the offense has occurred, where such
13 municipality has a population of more than 25,000 persons;

14 (8) all statements made and evidence offered under
15 paragraph (7) of subsection (a) of this Section; and

16 (9) all additional matters which the court directs the
17 clerk to transmit.

18 (f) In cases in which the court finds that a motor vehicle
19 was used in the commission of the offense for which the
20 defendant is being sentenced, the clerk of the court shall,
21 within 5 days thereafter, forward a report of such conviction
22 to the Secretary of State.

23 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10.)